

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Jesus Gadiel Acuna Zazueta,  
a.k.a.: Jesus Gadiel Acuna-Zazueta,  
a.k.a.: Gabriel Acuna-Zazueta,  
a.k.a.: Jesus Zacueta Acuna,  
(A200 293 644)

Case No. 17-6374 MS

*Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 20, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Jesus Gadiel Acuna Zazueta, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about December 10, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated by Reference Herein**

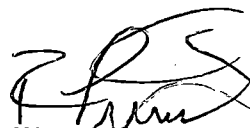
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Ryan Powell

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: October 5, 2017

City and state: Phoenix, Arizona



*Complainant's signature*

Richard G. Prunty,  
Deportation Officer

*Printed name and title*



*Judge's signature*

David K. Duncan,  
United States Magistrate Judge

*Printed name and title*

### **STATEMENT OF PROBABLE CAUSE**

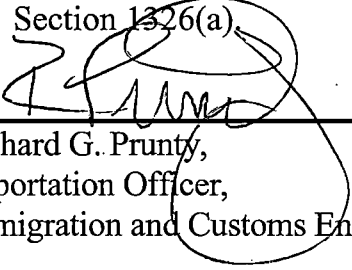
I, Richard G. Prunty, being duly sworn, hereby depose and state as follows:

- 1 Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
- 2 On September 20, 2017, Jesus Gadiel Acuna Zazueta was booked into the Maricopa County Jail (MCJ) intake facility by the Phoenix Police Department on local charges. While incarcerated at the MCJ, Acuna Zazueta was examined by ICE Officer R. Lemme who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On October 5, 2017, Acuna Zazueta was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Acuna Zazueta was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
- 3 Immigration history checks revealed Jesus Gadiel Acuna Zazueta to be a citizen of Mexico and a previously deported criminal alien. Acuna Zazueta was removed from the United States to Mexico through Del Rio, Texas, on or about December 10, 2016, pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Acuna Zazueta in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department

of Homeland Security to return to the United States after his removal. Acuna Zazueta's immigration history was matched to him by electronic fingerprint comparison.

- 4 On October 5, 2017, Jesus Gadiel Acuna Zazueta was advised of his constitutional rights. Acuna Zazueta freely and willingly acknowledged his rights and declined to make any further statements.
- 5 For these reasons, this affiant submits that there is probable cause to believe that on or about September 20, 2017, Jesus Gadiel Acuna Zazueta, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about December 10, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code,

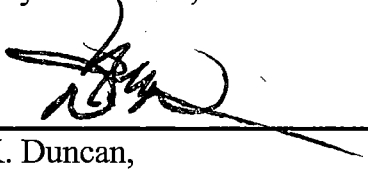
Section 1326(a)



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Richard G. Prunty,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 5<sup>th</sup> day of October, 2017.



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David K. Duncan,  
United States Magistrate Judge